In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.4752 of 2003.

Date of decision:23.4.2007.

Roshan Lal.

...Petitioner.

Versus

Pushpa Kumari and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Sandeep Ghangas Advoate for the petitioner.

Mr.Lalit Pathak, Advocate for respondent No.4.

...

Judgment.

S. N. Aggarwal, J.

Pushpa Kumari, respondent N.1 had filed a civil suit against respondent Nos.2,3 and 4 for permanent injunction seeking to restrain them from encroaching upon the common courtyard, street and the land left by her in front of her house.

The suit was contested by respondent Nos.2 to 4.

Issues were framed.

Both the parties led the evidence and the file was fixed for rebuttal and arguments when Roshan Lal filed an application under Order 1 Rule 10 CPC for being impleaded as a party. The said application was

dismissed by the learned trial Court vide order dated 23.9.2003.

Hence, the petition.

The submission of learned counsel for the petitioner was that he was a necessary party as respondent No.1 in connivance with respondent Nos.2 to 4 were encroaching upon the public property. The petitioner being resident of the area was interested in the final outcome. Therefore, he was a necessary party.

Considered.

Pushpa Kumari, respondent No.1, had pleaded in her suit for permanent injunction against respondent Nos.2 to 4 that she had left some land for the purpose of erecting hand pump for general public adjacent the room of Mool Chand. She had also constructed a manger (Khurli)) so that she could offer grass to the stray cattle. Since she apprehended encroachment by respondent Nos.2 to 4, therefore, she had filed a suit for permanent injunction against them. Since she did not apprehend any threat from Roshan Lal, petitioner, therefore, he was not impleaded. The suit for permanent injunction filed by Pushpa Kumari appears to be of public importance by which she is not claiming any right for herself in the suit property. Therefore, there is no truth in the version of the petitioner that she is trying to encroach upon the suit property. The petitioner, therefore, is not a necessary party in the civil suit and the application has been rightly dismissed by the learned trial Court vide impugned order dated 23.9.2003.

No merit.

Dismissed.

April 23,2007. (S. N. Aggarwal)
Jaggi Judge